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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.
500-140A

In re Application of: **F. Newberth III, et al.**
Application No. **09/929,618**
Filed: **August 14, 2001**
For: **RINSEWATER SEPARABLE AND RECYCLABLE ANAEROBIC CURING IMPREGNATION
COMPOSITIONS**

The owner, **Henkel Loctite Corporation** of **100.00** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **09/929,562**, filed on **August 14, 2001**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is **\$110.00** and is to be paid as follows:

- ☒ A check in the amount of the fee ~~is enclosed~~ was previously sent on 11/25/03..
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **08-2461**.

PTO suggested wording for terminal disclaimer was

- ☐ unchanged. ☐ changed (if changed, an explanation should be supplied.)


Signature

Name and Address of Person Signing

Jamie M. Larmann, Esq.
HOFFMANN & BARON, LLP
6900 Jericho Turnpike

System: NY 11798/2004 SDIRETA1
00000003 082461 09929618
09/13/2004 11:00 CR

Dated: **February 4, 2004**

I certify that this document and fee is being deposited on **February 4, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Barbara Thomas

Typed or Printed Name of Person Mailing Correspondence

STATUS: AMENDED
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Newberth III et al.

Examiner: G. Winter

Application No: 09/929,618

Group Art Unit: 1746

Confirmation No: 9038

Docket: 500-140A/RCE

Filed: August 14, 2001

Dated: March 5, 2004

For: RINSEWATER SEPARATE AND
RECYCLABLE ANAEROBIC
CURING IMPREGNATION
COMPOSITIONS

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Director of the U.S. Patent and Trademark Office, P.O. Box 1450,
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Dated: March 5, 2004

Signature: Barbara Thomas



REQUEST FOR REFUND

Sir:

Applicants request a refund of \$110.00, which erroneously represented a fee for a terminal disclaimer, which was previously paid by check (Check No. 12567) on November 25, 2003. This fee was charged to our Deposit Account No. 08-2461 by the United States Patent and Trademark Office. A copy of the Deposit Account Statement is enclosed (erroneous charges highlighted).

Applicants filed a terminal disclaimer on November 25, 2003, with the requisite \$110.00 fee. Applicants submitted an associate power of attorney on February 4, 2004 to fulfill the terminal disclaimer requirements. Therefore, Applicants submitted the appropriate fees with the

Applicant: Newberth III et al.
Application No: 09/929,618
Docket No: 500-140A/RCE
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STATUS AND E-FILE
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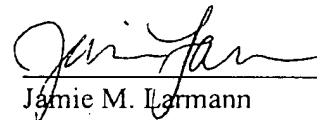
2010-03-09 AM 9:30

original filing and should not have been charged the second time.

Therefore, Applicant requests a refund of \$110.00 for the erroneously applied fees.

Please credit our Deposit Account No. 08-2461 with the amount of \$110.00.

Respectfully submitted,



Jamie M. Larmann
Registration No.: 48,623
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700



**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month:	February 2004
Deposit Account Number:	082461
Name:	HOFFMANN & BARON
Attention:	DIANE FUGALLI
Address:	6900 JERICHO TURNPIKE
City:	SYOSSET
State:	NY
Zip:	11791

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/02	5	76976345		6001	\$335.00	\$9,934.10
02/02	6	76976345		6003	\$100.00	\$9,834.10
02/02	7	76390016	527-230	6003	-\$100.00	\$9,934.10
02/02	8	76976345		6003	\$100.00	\$9,834.10
02/02	251	10337092	102-503	8007	\$20.00	\$9,814.10
02/03	2	10300416		9204	-\$930.00	\$10,744.10
02/05	252	76386664	673-10	7004	\$150.00	\$10,594.10
02/09	115	78363958	117-75 (0084)	7001	\$335.00	\$10,259.10
02/10	190	09678865	760-96 PCT/EPO(0397)	8007	\$40.00	\$10,219.10
02/10	747	76362879	690-9	7003	\$100.00	\$10,119.10
02/11	1	09730379	955-7P	2252	\$210.00	\$9,909.10
02/11	6	10615492	178-321	2201	\$430.00	\$9,479.10
02/11	7	10615492	178-321	2202	\$585.00	\$8,894.10
02/12	4	09929618	LC-388-A	1814	\$110.00	\$8,784.10
02/12	29	10773774	283-4 CIP	1201	\$86.00	\$8,698.10
02/13	252	76976345	527-230 DIV (0347)	7004	\$300.00	\$8,398.10
02/13	296	76390016	527-230 (0305)	7004	\$300.00	\$8,098.10
02/17	218	76079992	965-13 (0013)	7003	\$100.00	\$7,998.10
02/17	1949	78368946	331-33 (0119)	7001	\$335.00	\$7,663.10
02/18	55	09787866	178-261PCT/U	2201	\$86.00	\$7,577.10
02/18	450	78369376	331-32 (0118)	7001	\$335.00	\$7,242.10
02/19	1	10257803	903-68	2201	\$43.00	\$7,199.10
02/20	186	78370682	1430-2	7001	\$335.00	\$6,864.10
02/20	482	78370835	1417-2 (0001)	7001	\$670.00	\$6,194.10
02/20	997	78371116	17-153 (0165)	7001	\$335.00	\$5,859.10
02/20	1422	78371346	527-266 (0349)	7001	\$335.00	\$5,524.10
02/23	1	09674633	182-95 PCT/U	1251	\$110.00	\$5,414.10
02/23	1322	76253390	1075-4 (0003)	7004	\$600.00	\$4,814.10
02/24	2	60431589	1199-21 ARGENTINA	8007	\$20.00	\$4,794.10
02/24	1188	78373016	1417-3 (0002)	7001	\$670.00	\$4,124.10